

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Brook Graham-Willis,

Plaintiff,

v.

Carolyn W. Colvin, Acting Commissioner
of the Social Security Administration,

Defendant.

Civil Action. No.: 1:12-cv-02489-JMC

ORDER

This matter is before the court upon motion of Plaintiff, through his attorney, Paul T. McChesney, for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. [ECF No. 20]. Plaintiff's motion seeks reimbursement for Counsel's representation in the captioned matter in the amount of \$4,722.78 in attorney's fees at \$181.25 per hour, paralegal's fees at \$90.63 per hour, and a \$350.00 filing fee. Defendant's response to Plaintiff's motion [ECF No. 21] notifies the court that she does not oppose Plaintiff's request for fees in the amount stated herein. However, the parties agreed to a stipulated amount of \$4,372.78 for attorney's fees under the EAJA, and \$350.00 for the filing fee.

The court has reviewed Counsel's fee petition and the signed fee agreement that was submitted with the petition, and finds Counsel's stipulated request for fees reasonable.

Therefore, Plaintiff is entitled to an award of attorney's fees under the EAJA in the stipulated amount of \$4,372.78 in attorney's fees and \$350.00 for the filing fee. The award of attorney's fees shall be paid under the EAJA in the amount of \$4,372.78 and the filing fee shall be paid from the Judgment Fund in the amount of \$350.00. *See* 28 U.S.C. §§ 2412(c)(1) and 2414.

In accordance with *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)) and, therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff's counsel.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

February 25, 2014
Greenville, South Carolina